

REMARKS

This Response is submitted in reply to a Final Office Action mailed June 23, 2008, issued in connection with the above-identified application. As previously provided, claims 27 and 28 have been amended; claims 1-26, 29-34 and 37-38 have been canceled without prejudice or disclaimer; and claims 39-42 have been newly added. No new material has been added by way of this amendment. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. Applicants believe that the rejections should be withdrawn at least for the reason detailed below.

In the Office Action, pending claims were rejected as allegedly obvious in view of U.S. Patent No. 6,773,692 ("Pecharsky") in view of U.S. Patent No. 7,169,489 ("Redmond") or U.S. Patent Publication No. 2001/0025670 ("Ovshinsky"). As previously indicated, the sole independent claims 27 and 28 have been amended and now further recite that the hydrogen occluding material excludes alkali metals. This amendment is supported in the specification, for example, Example 3 is directed to a hydrogen occluding material made from AlH_3 that is doped with titanium. This material demonstrated enhanced properties in that it displayed a greater amount of hydrogen release at a lower temperature as compared to other tested materials including materials with sodium (e.g., alkali metals), such as comparative Example 1 and Examples 4 and 5. Newly added claims 39-42 were added to further define the claimed invention and are fully supported in the specification, such as at ¶ 35 and Example 3 of Applicants' published application.

In contrast, the Pecharsky reference is directed to aluminum hydride materials that include alkali metals, such as lithium and sodium. See, Pecharsky, column 4 at lines 11-18. Indeed, all of the examples in Pecharsky are directed to a lithium aluminum hydride. Again, Applicants have demonstrated that a hydrogen occluding material that excludes alkali metals and includes an aluminum hydride and dopant as claimed demonstrated enhanced properties as compared to hydrogen occluding materials with alkali metals even including a hydrogen occluding material that included both sodium and titanium. Therefore, Applicants believe that Pecharsky on its own should be considered distinguished from the claimed invention.

Further, Applicants do not believe that the Patent Office can rely solely on the on the remaining cited art to remedy the deficiencies of Pecharsky. Indeed, the Patent Office merely relies on the remaining cited art for their alleged teachings regarding the use the sodium as a

dopant. See, Office Action, page 3. Moreover, Applicants believe that the Redmond reference can be antedated based on the priority filing date (June 19, 2002) of the Japanese Patent Application corresponding to the above-referenced case. Therefore, Applicants believe that even if properly combinable, the cited art should be considered distinguished from the claimed invention, and thus, the obviousness rejection should be withdrawn.

Accordingly, Applicants respectfully submit that the present application is in condition for allowance.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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